

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JAMES GARAVAGLIA,

Plaintiff,

V.

CITY OF ST. LOUIS, et al.,

Defendants.

No. 4:20 CV 1681 CDP

# MEMORANDUM AND ORDER

Plaintiff James Garavaglia brings this employment discrimination action against defendants City of St. Louis as his employer and Comptroller Darlene Green as his supervisor. Garavaglia sues Green in both her official and individual capacities. Defendants move to dismiss Garavaglia's official-capacity claims brought against Green, arguing that they are duplicative of the claims brought against the City. Garavaglia has not responded to the motion, and the time to do so has passed. Because a suit against a government officer in her official capacity is functionally equivalent to a suit against the employing governmental entity, I will grant defendants' motion to dismiss the official-capacity claims against Green as redundant of the claims against the City.


A suit against a public official in her official capacity is actually a suit against the public entity for which the official is an agent. *Kentucky v. Graham*,

473 U.S. 159, 165 (1985). Accordingly, the real party in interest in an official-capacity claim is not the named official, but the governmental entity. *Hafer v. Melo*, 502 U.S. 21, 25 (1991); *see also Elder-Keep v. Aksamit*, 460 F.3d 979, 986 (8th Cir. 2006) (“A suit against a public official in his official capacity is actually a suit against the entity for which the official is an agent.”); *Kelly v. City of Omaha, Neb.*, 813 F.3d 1070, 1075 (8th Cir. 2016) (stating that a “plaintiff who sues public employees in their official . . . capacities sues only the public employer”). A court may properly dismiss a claim against a government officer in her official capacity as duplicative or redundant if the claim is also asserted against the officer’s governmental employer. *See Veatch v. Bartels Lutheran Home*, 627 F.3d 1254, 1257 (8th Cir. 2010) (citing *Baker v. Chisom*, 501 F.3d 920, 925 (8th Cir. 2007); *Artis v. Francis Howell North Band Booster Ass’n, Inc.*, 161 F.3d 1178, 1182 (8th Cir. 1998)). Because Garavaglia’s official-capacity claims against Green are duplicative of the claims against the City, I will grant defendants’ motion to dismiss the official-capacity claims brought against Green.

Accordingly,

**IT IS HEREBY ORDERED** that defendants’ Motion to Dismiss [23] is **GRANTED**, and plaintiff James Garavaglia’s claims brought against defendant Darlene Green in her official capacity only are dismissed.

This matter will be set for a Rule 16 Scheduling Conference by separate Order.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of February, 2021.